

Message Text

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L-03 NSAE-00 NSC-05 EB-08 NRC-07 OES-07 SOE-02
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FM AMEMBASSY MOSCOW
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INFO USMISSION USUN NEW YORK
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UNCLAS SECTION 01 OF 02 MOSCOW 11259

E.O. 11652: N/A
TAGS: PARM, UN, US, UR
SUBJECT: TRANSLATION OF SOVIET STATEMENT ON SIGNING OF
PROTOCOL II OF TREATY OF TLATELOLCO

1. THERE FOLLOWS IN PARAGRAPH TWO INFORMAL EMBASSY
TRANSLATION OF SOVIET STATEMENT ISSUED AT TIME OF SIGNA-
TURE OF PROTOCOL II OF THE TREATY OF TLATELOLCO AND
PUBLISHED IN PRAVDA ON MAY 19.

2. BEGIN TEXT
STATEMENT AT THE SIGNING BY THE SOVIET UNION OF ADDITIONAL
PROTOCOL II OF THE TREATY FOR THE PROHIBITION OF NUCLEAR
WEAPONS IN LATIN AMERICA (TREATY OF TLATELOLCO).
BEING A CONSISTENT SUPPORTER OF THE CREATION OF NON-NUCLEA
ZONES IN VARIOUS PARTS OF THE WORLD AND DESIRING TO ASSIST
THE EFFORTS OF THE LATIN AMERICAN STATES IN THIS DIRECTION
THE SOVIET GOVERNMENT HAS DECIDED TO SIGN ADDITIONAL
PROTOCOL II OF THE TREATY FOR THE PROHIBITION OF NUCLEAR
WEAPONS IN LATIN AMERICA (TREATY OF TLATELOLCO).
IN SIGNING ADDITIONAL PROTOCOL II OF THE TREATY OF
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TLATELOLCO, THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIS
REPUBLICS CONSIDERS IT NECESSARY TO STATE THE FOLLOWING:

1. THE SOVIET UNION CONSIDERS THAT THE EFFECT OF ARTICLE
1 EXTENDS, AS IS DEFINED IN ARTICLE 5 OF THE TREATY, TO
ANY EXPLOSIVE NUCLEAR DEVICE AND HENCE PEACEFUL NUCLEAR
EXPLOSIONS BY ANY PARTY TO THE TREATY WOULD BE A

VIOLATION OF ITS OBLIGATIONS UNDER ARTICLE I AND WOULD BE INCONSISTENT WITH ITS NON-NUCLEAR STATUS. SOLUTION OF THE QUESTION OF PEACEFUL NUCLEAR EXPLOSIONS FOR THE STATES ADHERING TO THE TREATY CAN BE FOUND IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 5 OF THE NONPROLIFERATION TREATY AND WITHIN THE FRAMEWORK OF THE INTERNATIONAL PROCEDURES OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

2. IN SIGNING ADDITIONAL PROTOCOL II THE SOVIET UNION PROCEEDS FROM THE FACT THAT AT THE PRESENT TIME THE ZONE OF APPLICATION OF THE TREATY INCLUDES THE TERRITORIES WHICH ARE COVERED BY ITS ACTION AS PROVIDED BY PARAGRAPH I OF ARTICLE 4 OF THE TREATY. THE SIGNING BY THE SOVIET UNION OF ADDITIONAL PROTOCOL II IN NO WAY MEANS RECOGNIZING THE POSSIBILITY OF EXTENDING THE TREATY, AS PROVIDED IN THE PARAGRAPH 2 OF ARTICLE 4, BEYOND THE TERRITORIAL LIMITS OF THE MEMBER-STATES, INCLUDING THE AIR-SPACE AND TERRITORIAL WATERS, ESTABLISHED IN ACCORDANCE WITH INTERNATIONAL LAW.

3. WITH RESPECT TO THE REFERENCE IN ARTICLE 3 OF THE TREATY TO "ITS OWN LEGISLATION" IN CONNECTION WITH TERRITORIAL WATERS, AIR-SPACE, AND ANY OTHER SPACE OVER WHICH THE SOVEREIGNTY OF THE CONTRACTING PARTIES EXTENDS, THE SIGNING BY THE SOVIET UNION OF PROTOCOL II DOES NOT MEAN THE RECOGNITION OF THEIR CLAIMS OF THE UNCLASSIFIED

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EXTENSION OF SOVEREIGNTY
WHICH CONTRADICT GENERALLY
ACCEPTED NORMS OF INTERNATIONAL LAW.

4. THE SOVIET UNION TAKES NOTE OF THE INTERPRETATION OF THE TREATY GIVEN IN THE FINAL ACT OF THE PREPARATORY COMMISSION FOR THE DECLARATION OF LATIN AMERICA AS A NUCLEAR FREE ZONE WITH REGARD TO THE FACT THAT TRANSPORTATION OF NUCLEAR ARMS BY THE CONTRACTING PARTIES IS COVERED BY THE PROHIBITIONS, INCLUDED IN ARTICLE 1 OF THE TREATY.

5. THE FINAL ACT OF THE PREPARATORY COMMISSION FOR THE DECLARATION OF LATIN AMERICA AS A NUCLEAR FREE ZONE INTERPRETS THE TREATY IN THE SENSE THAT GRANTING PERMISSION FOR TRANSIT OF NUCLEAR WEAPONS AT THE REQUEST OF STATES NOT ADHERING TO THE TREATY IS WITHIN THE COMPETENCE OF EACH CONTRACTING PARTY. WITH RESPECT TO THIS, THE SOVIET UNION AFFIRMS ITS POSITION THAT PERMISSION FOR TRANSIT OF NUCLEAR WEAPONS IN ANY FORM WOULD CONTRADICT THE GOALS OF THE TREATY, ACCORDING TO WHICH, AS IS SPECIFICALLY STATED IN THE PREAMBLE, LATIN AMERICA

SHOULD BE COMPLETELY FREE OF NUCLEAR WEAPONS, AND WOULD BE INCOMPATIBLE WITH THE NON-NUCLEAR STATUS OF THE CONTRACTING PARTIES AND WITH THEIR OBLIGATIONS DEFINED IN ARTICLE 1 OF THE TREATY.

6. ANY ACTIONS UNDERTAKEN BY A STATE OR STATES ADHERING TO THE TREATY OF TLAHELCO WHICH ARE INCOMPATIBLE WITH THEIR NON-NUCLEAR STATUS, AS WELL AS THE COMMISSION BY ONE OR SEVERAL CONTRACTING PARTIES OF AN ACT OF AGGRESSION WITH THE SUPPORT OF A STATE POSSESSING NUCLEAR WEAPONS, OR TOGETHER WITH SUCH A STATE, WILL BE CONSIDERED BY THE SOVIET UNION AS INCOMPATIBLE WITH THE OBLIGATIONS OF THESE COUNTRIES UNDER THE TREATY. IN SUCH CASES THE SOVIET UNION RESERVES THE RIGHT TO REVIEW
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ITS OBLIGATIONS UNDER ADDITIONAL PROTOCOL II. THE SOVIET UNION ALSO RESERVES THE RIGHT TO REVIEW ITS ATTITUDE TO ADDITIONAL PROTOCOL II IN CASE OF ANY ACTIONS BY OTHER STATES POSSESSING NUCLEAR WEAPONS WHICH ARE

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INCOMPATIBLE WITH THEIR OBLIGATIONS UNDER THE SAID PROTOCOL.

7. THE SOVIET GOVERNMENT DECLARES THAT THE PROVISIONS
IN THE ARTICLES OF ADDITIONAL PROTOCOL II ARE APPLICABLE
TO THE TEXT OF THE TREATY FOR THE PROHIBITION OF
NUCLEAR WEAPONS IN LATIN AMERICA, IN THAT VERSION OF THE
TREATY AS IT IS FORMULATED AT THE TIME OF THE SIGNING OF
THE PROTOCOL BY THE GOVERNMENT OF THE USSR, TAKING INTO
ACCOUNT THE POSITION OF THE SOVIET UNION AS EXPRESSED IN
THE PRESENT STATEMENT. IN THIS REGARD, THE USSR WILL
NOT BE BOUND BY ANY AMENDMENT TO THIS TREATY WHICH
MIGHT COME INTO FORCE IN ACCORDANCE WITH THE TERMS OF
ARTICLES 29 AND 6 OF THE TREATY UNLESS THE USSR
GIVES ITS EXPRESS CONSENT. END TEXT. MATLOCK

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